California Nurses Placed on Probation, 2004-2005

Renae Waneka, MPH
Joanne Spetz, PhD
Dennis Keane, MPH

University of California, San Francisco
School of Nursing
April 13, 2011
Purpose of this study

• Understand the characteristics and outcomes of RNs placed on probation
  – What are the reasons for probation?
  – What are their demographic characteristics?
  – How many of them complete probation successfully?
  – How many recidivate?

• Assess factors that may impact successful completion of probation

• Framework and comparison: NCSBN studies published in 2009
  – Analysis of data submitted by six states
  – Analysis of already-existing data from 44 states
Methods

- Data on 282 RNs placed on probation in 2004 or 2005
- BRN used the data extraction form created by NCSBN
  - Demographics, initial RN education
  - History of legal and disciplinary action prior to probation
  - Outcomes of probation
- Control group of 298 RNs with no probation history as of 2005
  - Demographics, initial RN education
  - History of legal and disciplinary action prior to probation
  - Subsequent probation or criminal action
### Characteristics of RNs on probation

<table>
<thead>
<tr>
<th></th>
<th>RNs on probation</th>
<th>All employed CA RNs</th>
<th>Control group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average age</td>
<td>45.9 years</td>
<td>47.1 years</td>
<td>45.5 years</td>
</tr>
<tr>
<td>&lt; 30 years</td>
<td>2.8%</td>
<td>7.6%</td>
<td>4.7%</td>
</tr>
<tr>
<td>30-39</td>
<td>20.9%</td>
<td>20.1%</td>
<td>17.8%</td>
</tr>
<tr>
<td>40-49</td>
<td>42.9%</td>
<td>27.0%</td>
<td>42.6%</td>
</tr>
<tr>
<td>50-59</td>
<td>28.8%</td>
<td>31.6%</td>
<td>30.5%</td>
</tr>
<tr>
<td>60+</td>
<td>4.7%</td>
<td>13.8%</td>
<td>4.4%</td>
</tr>
<tr>
<td>Men</td>
<td>25.9%</td>
<td>9.1%</td>
<td>24.7%</td>
</tr>
</tbody>
</table>

RNs placed on probation are slightly younger. RNs on probation are more likely to be men.
Men vs. women

- Men on probation were younger  
  - 44.6 vs. 46.3 years
- Men had less nursing experience  
  - 11.5 vs. 15.5 years
- Men more often had prior criminal history  
  - 43.1% vs. 21.6%
- No difference in:  
  - Initial RN education
  - Grounds for discipline or prior discipline
  - Employment setting when incident occurred
  - Recidivism
## Characteristics of RNs on probation

<table>
<thead>
<tr>
<th>Initial RN education</th>
<th>RNs on probation</th>
<th>All employed CA RNs</th>
<th>Control group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diploma</td>
<td>5.3%</td>
<td>15.7%</td>
<td>8.4%</td>
</tr>
<tr>
<td>ADN</td>
<td>63.8%</td>
<td>47.3%</td>
<td>63.1%</td>
</tr>
<tr>
<td>BSN</td>
<td>24.5%</td>
<td>35.5%</td>
<td>23.2%</td>
</tr>
<tr>
<td>MSN</td>
<td>0.4%</td>
<td>1.6%</td>
<td>2.7%</td>
</tr>
<tr>
<td>Military</td>
<td>0.7%</td>
<td></td>
<td>1.0%</td>
</tr>
<tr>
<td>Other/unknown</td>
<td>5.4%</td>
<td></td>
<td>1.7%</td>
</tr>
<tr>
<td>California</td>
<td>62.1%</td>
<td>56.7%</td>
<td>43.6%</td>
</tr>
<tr>
<td>Other state</td>
<td>26.2%</td>
<td>25.6%</td>
<td>42.0%</td>
</tr>
<tr>
<td>International</td>
<td>11.4%</td>
<td>17.8%</td>
<td>14.1%</td>
</tr>
<tr>
<td>Philippines</td>
<td>7.8%</td>
<td>11.6%</td>
<td>6.7%</td>
</tr>
</tbody>
</table>

RNs placed on probation are more likely to have an AD for their initial education, and less likely to be internationally-educated.
## Philippine vs. non-Philippine educated

<table>
<thead>
<tr>
<th></th>
<th>Philippines</th>
<th>Not Philippines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Had a previous criminal history</td>
<td>9.1%</td>
<td>28.5%</td>
</tr>
<tr>
<td>Participated in BRN diversion program</td>
<td>0.0%</td>
<td>19.7%</td>
</tr>
<tr>
<td>Worked in a hospital when put on probation</td>
<td>45.5%</td>
<td>71.9%</td>
</tr>
<tr>
<td>Assigned chemical dependency evaluation and treatment for probation</td>
<td>0.0%</td>
<td>62.8%</td>
</tr>
<tr>
<td>Completed probation</td>
<td>86.4%</td>
<td>51.2%</td>
</tr>
<tr>
<td>Recidivated</td>
<td>13.6%</td>
<td>40.6%</td>
</tr>
</tbody>
</table>
## Employment at time of probation incident

<table>
<thead>
<tr>
<th></th>
<th>RNs on probation</th>
<th>All employed RNs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospital</td>
<td>59.2%</td>
<td>62.7%</td>
</tr>
<tr>
<td>Ambulatory care</td>
<td>5.0%</td>
<td>15.9%</td>
</tr>
<tr>
<td>Long-term care</td>
<td>9.6%</td>
<td>2.3%</td>
</tr>
<tr>
<td>Home health</td>
<td>3.2%</td>
<td>3.0%</td>
</tr>
<tr>
<td>Other</td>
<td>8.2%</td>
<td>16.3%</td>
</tr>
<tr>
<td>Unknown</td>
<td>14.9%</td>
<td></td>
</tr>
<tr>
<td>Working for a registry</td>
<td>12.4%</td>
<td>4.2%</td>
</tr>
<tr>
<td>Incident occurred at work</td>
<td>71.3%</td>
<td></td>
</tr>
</tbody>
</table>
## Prior offenses and discipline

<table>
<thead>
<tr>
<th></th>
<th>Disciplined RNs</th>
<th>Control group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Had prior criminal history</td>
<td>26.6%</td>
<td>9.7%</td>
</tr>
<tr>
<td>Prior BRN discipline</td>
<td>17.7%</td>
<td></td>
</tr>
<tr>
<td>Had been in BRN diversion</td>
<td>18.1%</td>
<td></td>
</tr>
</tbody>
</table>

NCSBN study:
35% of disciplined RNs had criminal history
3% of non-disciplined RNs had criminal history
Likelihood of previous criminal or disciplinary history

• More likely to have a prior criminal history if...
  – Male
  – 40 years or older
  – Received RN license more recently
  – Not educated in Philippines

• More likely to have prior BRN disciplinary action or diversion if...
  – Licensed by NCLEX exam in California (as opposed to endorsement)
  – Licensed for a longer period of time
Grounds for probation

- Practice error: 28.7%
- Drugs or criminal misconduct: 66.6%
- Both practice & drugs/criminal: 3.2%
- Other: 1.4%
# Detail on grounds for probation

<table>
<thead>
<tr>
<th>Grounds</th>
<th>Number of cases</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Practice error</td>
<td>81</td>
<td>28.7%</td>
</tr>
<tr>
<td>Patient harm</td>
<td>22</td>
<td>27.2%</td>
</tr>
<tr>
<td>Patient death</td>
<td>15</td>
<td>18.5%</td>
</tr>
<tr>
<td>Drugs or criminal misconduct</td>
<td>188</td>
<td>66.6%</td>
</tr>
<tr>
<td>Drugs/alcohol</td>
<td>146</td>
<td>77.7%</td>
</tr>
<tr>
<td>DUI</td>
<td>19</td>
<td>10.1%</td>
</tr>
<tr>
<td>Criminal misconduct</td>
<td>50</td>
<td>26.6%</td>
</tr>
<tr>
<td>Both practice &amp; drugs/ criminal</td>
<td>9</td>
<td>3.2%</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
<td>1.4%</td>
</tr>
</tbody>
</table>
Nurses are more likely to have a practice error-related probation if...

- They were educated in the Philippines
- Were 40 years or older
- Had no criminal record
- Did not work in a hospital
- Had not been on diversion

Otherwise – more likely to have a drug/criminal misconduct related probation.
## Reasons for not completing probation

<table>
<thead>
<tr>
<th>Reason</th>
<th>Total</th>
<th>Drugs/ miscond.</th>
<th>Practice error</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chem dependency compliance</td>
<td>51.2%</td>
<td>62.8%</td>
<td>4.0%</td>
<td>62.5%</td>
</tr>
<tr>
<td>Reports from employer, self, other</td>
<td>40.9%</td>
<td>43.6%</td>
<td>40.0%</td>
<td>12.5%</td>
</tr>
<tr>
<td>Mental health eval &amp; treatment</td>
<td>29.1%</td>
<td>34.0%</td>
<td>16.0%</td>
<td>12.5%</td>
</tr>
<tr>
<td>Cost recovery</td>
<td>27.6%</td>
<td>28.7%</td>
<td>32.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Complete education requirements</td>
<td>25.2%</td>
<td>24.5%</td>
<td>36.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Obey all laws</td>
<td>19.7%</td>
<td>23.4%</td>
<td>4.0%</td>
<td>25.0%</td>
</tr>
<tr>
<td>Physical evaluation</td>
<td>19.7%</td>
<td>23.4%</td>
<td>8.0%</td>
<td>12.5%</td>
</tr>
<tr>
<td>RN available for BRN interviews</td>
<td>10.2%</td>
<td>12.8%</td>
<td>4.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>
More likely to complete probation if...

- Practice error was the grounds for probation
- Not a chemical dependency-related probation
- No prior discipline
  - 58.2% vs. 38.0% complete
- No prior diversion
  - 57.5% vs. 39.2% complete
- Do not change employers during probation
  - 75.7% vs. 48.6% complete
- Internationally educated (75.0% complete)
  - Not educated in another state (40.3% complete)
Recidivism

- Defined as:
  - Failure to comply with probation requirements OR
  - Subsequent complaint received by BRN OR
  - Subsequent arrest or conviction

<table>
<thead>
<tr>
<th></th>
<th>Recidivated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>38.3%</td>
</tr>
<tr>
<td>Drugs/misconduct</td>
<td>45.7%</td>
</tr>
<tr>
<td>Practice error</td>
<td>21.3%</td>
</tr>
<tr>
<td>Other</td>
<td>38.5%</td>
</tr>
</tbody>
</table>

NCSBN found that 39% recidivated.
More likely to recidivate if...

• Drugs or criminal misconduct were the grounds for probation

• Had prior criminal history
  – 55.4% vs. 30.5% recidivate

• Had prior discipline
  – 52.0% vs. 34.7% recidivate

• Prior diversion
  – 52.9% vs. 35.0% recidivate

• Change employers during probation
  • 44.4% vs. 25.0% recidivate

• Educated in CA (44.4%) or another state (39.5%)
  – Internationally-educated: 18.8% recidivate
Holding all factors constant…

- **More likely to complete probation if:**
  - Committed a practice error (24.1 percentage points more likely)

- **More likely to recidivate if:**
  - Committed drug or misconduct offense (17.3 percentage points more likely)
  - Worked at a hospital when incident occurred
  - Had prior criminal history
  - Changed employers during probation period
Summary of key findings

• Nurses who were disciplined were somewhat younger, and were more often men, had an AD, and worked for a registry.
  – They were less often internationally educated
• Majority committed drug or criminal misconduct offenses (67%).
  – 53.5% had a drug or alcohol violation (NCSBN: 25%)
• 54% completed probation
  – More likely to complete if had a practice error
• 38% recidivism (NCSBN rate: 39%)
  – More likely if had drug or criminal misconduct
• Prior criminal history, BRN discipline, or diversion associated with higher recidivism.